

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DR. JOHN A. REPICCI and LORRAINE REPICCI,  
Individually, and JULIE STONE as Trustee of the  
JOHN A. REPICCI IRREVOCABLE LIFE  
INSURANCE TRUST and THE REPICCI  
IRREVOCABLE FAMILY TRUST,

Plaintiffs,

v.

CHRISTOPHER R. JARVIS and OJM Group LLC,

Defendants.

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**OJM'S NOTICE OF  
MOTION FOR  
JUDGMENT ON THE  
PLEADINGS AS  
AGAINST PLAINTIFFS'  
COMPLAINT**

ORAL ARGUMENT  
REQUESTED

Case No. 1:17-CV-132-  
WMS-MJR

Upon the accompanying declaration of Andrew P. Devine, Esq., dated May 26, 2017, with exhibits, and the accompanying memorandum of law, dated May 26, 2017, and all the papers and proceedings herein, defendant OJM Group, LLC ("OJM") will move this Court, before the Hon. Michael J. Roemer, United States Magistrate Judge, at the United States Courthouse, 2 Niagara Square, Buffalo, New York, at a date and time to be determined by the Court, for an Order:

1. dismissing plaintiffs' Complaint against OJM, with prejudice and without leave to replead, pursuant to Federal Rule of Civil Procedure 12(c); and
2. granting OJM such other and further relief as the Court deems just and proper.

OJM intends to serve reply papers on this motion, and Local Rule of Civil Procedure 7(b) requires plaintiffs to file and serve answering papers upon the undersigned within 14 days, unless the Court orders otherwise.

Dated: Buffalo, New York  
May 26, 2017

PHILLIPS LYTLE LLP

*/s/ Andrew P. Devine*

By: \_\_\_\_\_

Edward S. Bloomberg

Andrew P. Devine

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Doc #01-3041066.